



**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF APPEALS AND INTERFERENCES**

First Named Inventor : R. Ward
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Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

This is Applicant's Appeal Brief the above-captioned patent application.

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REAL PARTY IN INTEREST

The subject application was assigned to America Online, Inc. by assignment recorded in the U.S. Patent & Trademark Office on 12-14-2001 at Reel-Frame 012400-0684.

RELATED APPEALS AND INTERFERENCES

No other appeals or interferences are known to be related to the subject patent application.

STATUS OF CLAIMS

1. Claims 1-64 have been canceled.
2. Claims 65-86 stand rejected, and are now being appealed.

STATUS OF AMENDMENTS

No amendments have been made after final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Concise Explanation of Subject Matter

As recommended by MPEP 1206, the following summary of the invention comprises reading of each appealed independent claim on the drawings and specification, to enable the Board to more determine where the claimed subject matter appears in the application. This particular reading is not intended to limit the claims in any way. For ease of reference, all Figures of Applicants' drawings are shown in the

attached Appendix.

Claim 65

A method to facilitate user interaction with merchant web sites, (Fig. 1) the method comprising operations of:

independent of user (110, Fig. 1) interaction with merchant web sites (150, Fig.

1), pre-preparing a proxy platform (160, Fig. 1; page 6, lines 12-17; page 9, line 16 – page 10, line 3) corresponding to participating merchant web sites by performing operations comprising: (page 13, line 14 – page 20, line 6)

planning a modified presentation (Figs. 3A-3D; page 11, line 11 – page 12, line 15) of each participating merchant web site including one or more changes to functionality of the web site;

generating rules to fill-in purchase checkout forms (page 12, lines 3-15) of each participating merchant web site with data from users' cyber wallets (120, Fig. 1; page 9, lines 1-14; page 28, lines 9-17) accessible to the proxy platform;

responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists, performing operations comprising: (page 8, line 10 – page 10, line 12)

utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation (Figs. 3A-3D) instead of the requested web site; (page 9, line 16 – page 10, line 3)

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data (ref. 321-324, Fig. 3B; ref. 331-337, Fig. 3C) from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction. (page 9, lines 1-15)

Claim 74

A system (Fig. 1) to facilitate user interaction with merchant web sites (ref. 150, Fig. 1), comprising:

a merchant profile (ref. 170, Fig. 1) corresponding to participating merchant web sites, pre-prepared independent of user interaction with merchant web sites, the merchant profile comprising: (page 13, line 14 – page 20, line 6)
a modified presentation (Figs. 3A-3D; page 11, line 11 – page 12, line 15)
of each participating merchant web site including one or more changes to functionality of the web site; (page 9, line 16 – page 10, line 3)

rules to fill-in purchase checkout forms (page 12, lines 3-15) of each participating merchant web site with data from users' cyber wallets (ref. 120, Fig. 1; page 9, lines 1-14; page 28, lines 9-17) accessible to a proxy platform (160, Fig. 1; page 6, lines 12-17; page 9, line 16 – page 10, line 3);

a proxy platform (160, Fig. 1; page 6, lines 12-17; page 9, line 16 – page 10, line

3) programmed to perform operations responsive to a user's request to view a merchant web site for which a corresponding pre-prepared merchant profile exists, the operations comprising:
utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation instead of the requested web site;
responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction. (page 9, lines 1-15)

Claim 83

A system to facilitate user interaction with merchant web sites, comprising:
merchant profile means corresponding to participating merchant web sites, pre-prepared independent of user interaction with merchant web sites, the merchant profile means comprising: (page 13, line 14 – page 20, line 6)
means for modified presentation (Figs. 3A-3D; page 11, line 11 – page 12, line 15) of each participating merchant web site including one or more changes to functionality of the web site;
rules means for filling-in purchase checkout forms (page 12, lines 3-15) of each participating merchant web site with data from users' cyber wallets (120, Fig. 1; page 9, lines 1-14; page 28, lines 9-17)

accessible to a proxy platform;

proxy platform means (160, Fig. 1; page 6, lines 12-17; page 9, line 16 – page 10, line 3) for performing operations responsive to a user's request to view a merchant web site for which a corresponding pre-prepared merchant profile exists, comprising:

means for utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation (Figs. 3A-3D; page 11, line 11 – page 12, line 15) instead of the requested web site; (page 9, line 16 – page 10, line 3)

means responsive to user initiation of a purchase transaction upon the requested web site for automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction. (page 9, lines 1-15)

Claim 84

A method to facilitate user interaction with merchant web sites, the method comprising operations of:

independent of user interaction with merchant web sites, performing operations comprising:

constructing a proxy platform (160, Fig. 1; page 6, lines 12-17; page 9, line 16 – page 10, line 3) corresponding to multiple merchant web sites by performing operations comprising: (page 13, line 14 – page

20, line 6) (1) planning a modified presentation of each merchant web site including one or more changes to functionality of the merchant web site, (2) pre-configuring rules to fill-in purchase checkout forms (page 12, lines 3-15) of each merchant web site with data from users' cyber wallets (120, Fig. 1; page 9, lines 1-14; page 28, lines 9-17) accessible to the proxy platform;

maintaining the proxy platform (page 20, line 8 – page 26, line 8) by performing operations comprising: (1) on a repeating schedule, reviewing (ref. 180, Fig. 1; page 20, lines 9-17) the merchant web pages to determine whether any changes have occurred rendering the proxy platform at least partially invalid, (2) if so, repeating the constructing operation for the merchant web site upon which the changes have occurred;

receiving users' requests to view merchant web sites;

for each request, determining whether a proxy platform corresponding to the requested merchant web site has been constructed, and only if so, responding to the request by performing operations comprising:

utilizing the requested web site's proxy platform as an overlay to provide the requesting user with the modified presentation instead of the requested web site; (page 9, line 16 – page 10, line 3)

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from said user's cyber wallet and entering said retrieved

information upon the requested web site in accordance with the pre-configured rules to complete the initiated purchase transaction.

(page 9, lines 1-15)

Identification of Means Plus Function & Step Plus Function Claims

In accordance with 37 CFR 47.37(c)(1)(v), the following is an identification of all independent and separately argued dependent claims in means (or step) plus function as permitted by 35 USC 112 para. 6:

Claim 83.

Corresponding structure, material, or acts is found at Figure 1, Figures 3A-3D, pages 5-6, 8-12, 14, 16.

GROUND(S) OF REJECTION TO BE REVIEWED ON APPEAL

The following rejection(s) were made in the final office action. Claims 65-86 were rejected under 35 USC 103 as being unpatentable over U.S. Publication 2002/0103712 A1 to Rollins et al. ("Rollins").

GROUPING OF CLAIMS

The claims do not stand or fall together. The groupings of claims, which are independently patentable are as follows:

- A group including claims 65-68, 71-73, 74-77, 80-83.
- Another group including claim 69, 78.
- Another group including claim 70, 79.

- Another group including claim 84
- Another group including claim 85.
- Another group including claim 86.

ARGUMENT

Subparagraph (i) -- 35 USC 112, FIRST PARAGRAPH

No grounds of rejection exist under this subparagraph.

Subparagraph (ii) -- 35 USC 112, SECOND PARAGRAPH

No grounds of rejection exist under this subparagraph.

Subparagraph (iii) -- 35 USC 102

Claims 65-86 were rejected under 35 USC 102(e) as being unpatentable over U.S. Publication 2002/0103712 to Rollins et al. ("Rollins"). The claims are patentable because the applied art does not teach the features of the claims, as required.

Claims 65-83

Considering as an example claim 65, Rollins fails to teach the following combination:

A method to facilitate user interaction with merchant web sites, the method comprising operations of:
independent of user interaction with merchant web sites, pre-preparing a proxy platform

corresponding to participating merchant web sites by performing operations comprising:

planning a modified presentation of each participating merchant web site

including one or more changes to functionality of the web site;

generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to the proxy platform;

responsive to a user's request to view a merchant web site for which a corresponding

pre-prepared proxy platform exists, performing operations comprising:

utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation instead of the requested web site;

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction.

A 35 USC 102 prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as arranged in the claim.¹ A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as

¹ Lindermann Maschinefabrik Gmbh v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

complete detail as is contained in the claim.² For various reasons, Rollins does not disclose each and every element of claim 65.

For instance, Rollins fails to disclose “independent of user interaction with merchant web sites... planning a modified presentation of each participating merchant web site including one or more changes to functionality of the web site...” Although Rollins purportedly transforms content of web pages (para. 0057), a more detailed reading of Rollins reveals that this merely addresses acts such as dynamically pre-filling merchant order pages. [Rollins: para. 0144] In other words, Rollins adds customer information to pre-fill a merchant’s form. Nevertheless, Rollins still provides the merchant order page to the client. [Rollins: para. 0143] Rollins does not teach “planning a modified presentation of each participating merchant web site including one or more changes to functionality of the web site” as required.

Furthermore, Rollins does not plan a modified presentation of “each participating merchant web site” as claimed. Rollins. Furthermore, Rollins has no regard for whether a merchant web site is participating or not. As one example, a customer’s request (to place an order with a merchant) causes a request to be sent to the proxy server, then, the internet order mechanism responds by requesting information from a wallet server. [Rollins: para. 0137-0138] Rollins does not show any concern for whether the merchant web site is participating or not. Thus, Rollins does not plan a modified presentation of “each participating merchant web site” as claimed.

Moreover, Rollins actions are not “independent of user interaction with merchant

²

MPEP 2131.

web sites..." as claimed. In contrast, Rollins' describes a generic internet order mechanism, not corresponding to one particular web page or another, which operates "on the fly." Rollins' internet order mechanism is said to transform content of web pages "in a dynamic fashion such that the transformations are made in response to requests for the web pages." [Rollins: para. 0057] The internet order mechanism operates dynamically in response to requests by web browser 302 and merchant web sever 306. [Rollins: para. 0056] See also, Rollins' para. 0063 (where after user selects proxied link, internet order mechanism can modify web page). Accordingly, Rollins actions are not "independent of user interaction with merchant web sites..." as claimed.

In view of the foregoing, Rollins does not teach "independent of user interaction with merchant web sites... planning a modified presentation of each participating merchant web site including one or more changes to functionality of the web site" as claimed.

Rollins further lacks "independent of user interaction with merchant web sites... generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to the proxy platform." Indeed, with Rollins' approach, there is "...no need to customize the order form pre-filling process for each merchant web site or order form." [Rollins: para. 0164] It is even further apparent that Rollins' web page transformation and filling-in is not conducted "independent of user interaction with merchant web sites" because, it is conducted responsive to such interaction. [Rollins: FIG. 8, 804, 828] Consequently, Rollins does not teach "independent of user interaction with merchant web sites... generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users'

cyber wallets accessible to the proxy platform.”

There is an additional reason that Rollins does not teach this feature. Namely, Rollins does not show “data from user’s cyber wallets accessible to the proxy platform.”

Rollins redirects the user’s request for merchant web page to a wallet server, whereupon a wallet login process requires the user to manually log-in to a different web site and interact with a wallet login page. The client only returns to the merchant web page after selecting an exit object. [Rollins: para. 123-131; FIG. 8, ref. 806-822]

Although Rollins’ internet order mechanism purportedly receives information from a wallet server, it does not have access to the wallet server. Analogously, I might have a telephone capable of receiving a call from the President, but this does not mean that the President is accessible to me. Accordingly, Rollins does not contemplate “data from user’s cyber wallets accessible to the proxy platform,” and therefore fails to teach “independent of user interaction with merchant web sites... generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users’ cyber wallets accessible to the proxy platform.”

In addition, Rollins does not show “responsive to a user’s request to view a merchant web site for which a corresponding pre-prepared proxy platform exists...” In contrast, when Rollins’ client requests to visit a web site, there is no corresponding pre-prepared proxy platform. Rather, Rollins favors “...a general, flexible approach applicable to all merchant web sites. There is therefore no need to customize the order form pre-filling process for each merchant web site or order form.” [Rollins: para. 0164] Accordingly, Rollins does not show a “merchant web site for which a corresponding pre-prepared proxy platform exists...” as claimed.

Rollins further lacks operations “responsive to a user’s request to view a merchant web site for which a corresponding pre-prepared proxy platform exists... utilizing the requested web site’s pre-prepared proxy platform as an overlay to provide the user with the modified presentation [...including one or more changes to functionality of the web site] instead of the requested web site...” As discussed above, Rollins does not teach a pre-prepared proxy platform. Nor does Rollins show using such a platform as an “overlay to provide the user with the modified presentation instead of the requested web site,” where the modified presentation includes one or more changes to functionality of the web site. As explained above, Rollins’ web page transformation merely involves acts such as dynamically pre-filling merchant order pages. [Rollins: para. 0144] And, in any case, Rollins still provides the merchant order page to the client. [Rollins: para. 0143] Rollins does not provide the user with a modified presentation including any changes to functionality of the web site, instead of the requested web site. Thus, Rollins does not show “responsive to a user’s request to view a merchant web site for which a corresponding pre-prepared proxy platform exists... utilizing the requested web site’s pre-prepared proxy platform as an overlay to provide the user with the modified presentation [...including one or more changes to functionality of the web site] instead of the requested web site...”

Rollins further lacks the claimed operation “responsive to a user’s request to view a merchant web site for which a corresponding pre-prepared proxy platform exists... responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user’s cyber wallet and entering said retrieved information upon the requested web site in accordance with the

rules...”

First, rather than “automatically retrieving personal data from the user’s cyber wallet” (as claimed), Rollins utilizes a markedly different approach. Rollins redirects the user’s request for merchant web page to a wallet server, whereupon a wallet login process requires the user to manually log-in to a different web site and interact with a wallet login page. The client only returns to the merchant web page after selecting an exit object. [Rollins: para. 123-131; FIG. 8, ref. 806-822] More specifically, Rollins’ must engage in an involved series of operations, as follows:

- Redirecting the request for merchant web page 704 to wallet server 714 via a communications link 716. [Rollins: para. 0127]
- A wallet server 714 transmitting a wallet login page 718 to client 703 over a communications link 720 for display on web browser 702, and the customer populating the fields and then sends the information to wallet server 714 over communications link 720. [Rollins: para. 0128]
- The wallet server 714 verifying or validating the validation data received from the customer, retrieving customer information for the customer from a user information database 722 over a communications link 724, sending a login confirmation page 726 to client 703 for display on web browser 702 to inform the user that the login was successful. [Rollins: para. 0129]
- Providing customer information retrieved from user information database 722 to IOM (internet order mechanism) 708 over communications link 716. [Rollins: para. 0130]

Rollins operation is hardly automatic, as it requires numerous specific acts.

Consequently, Rollins fails to teach “automatically retrieving personal data...” as claimed.

Second, rather than “entering said retrieved information upon the requested web site in accordance with the rules [generated independent of user interaction with merchant web sites],” Rollins utilizes fill-in techniques that operate on the fly. [Rollins: 0149] Rollins specifically cites a “general, flexible approach applicable to all merchant web sites. Rollins therefore has no need to customize the order form pre-filling process for each merchant web site or order form.” [Rollins: para. 0164] Accordingly, Rollins does not teach the operation “responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists... responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules...”

Furthermore, Rollins teaches away from automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site because Rollins' internet order mechanism is purportedly transparent to the participants such that they are not aware that the internet order mechanism is involved in processing communications. Neither the customer nor the merchant may be aware that the transactions are being handled by the internet order mechanism. [Rollins: Abstract] Therefore, absent some stealth or security breach, Rollins could not automatically perform operations, without the user's knowledge, such as “automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules...” The claims are

further distinguished from Rollins for this reason.

For the foregoing reasons, claim 65 is patentably distinguished from Rollins. For similar reasons, independent claims 74, 83, 84 are also patentably distinguished over Rollins. And, even without considering any individual merits of dependent claims 66-73, 75-82, and 85-86, these claims are distinguished from Rollins because they depend from independent claims 65, 74, or 84, which are distinguished as discussed above.³ Nonetheless, certain features of these dependent claims are noted to further distinguish over the applied art.

Taking claims 69 and 78 as an example, the applied art fails to show “the modified presentation includes a quick checkout button” and “the operation responsive to user initiation of a purchase transaction upon the requested web site is responsive to user activation of the quick checkout button.” Rollins discusses adding a navigation bar (para. 0076), and also mentions using a merchant’s existing one-click object (para. 0162). Rollins, however, fails to suggest modifying a merchant web site to add a quick checkout button. Along these lines, Rollins specifically avoids introducing page-specific objects located elsewhere on a web page. [Rollins: para. 0076] Further still, Rollins explicitly teaches away from the claimed feature since Rollins purportedly uses an order form pre-filling approach that “preserves the content of merchant web pages.” [Rollins: para. 0164] Claims 69 and 78 are therefore patentable because Rollins does not teach “the modified presentation includes a quick checkout button” and “the operation responsive to user initiation of a purchase transaction upon the requested web site is

³ Cf. If an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

responsive to user activation of the quick checkout button.”

Turning to claims 70 and 79, Rollins does not disclose “on a predetermined schedule, checking the merchant web page to determine whether any change has occurred rendering the proxy platform at least partially invalid” and “if so, re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state.” As shown above, Rollins does not care whether a merchant web page has changed, because Rollins concerns an Internet Order Mechanism, not corresponding to one particular web page or another, which is operated “dynamically.” [Rollins: para 0056] Rollins’ internet order mechanism is said to transform content of web pages “in a dynamic fashion such that the transformations are made in response to requests for the web pages.” [Rollins: para. 0057] Accordingly, if Rollins’ shopping application discovers that they are no longer able to pre-fill the order forms for a particular merchant, then this may warrant discontinuing facilitating a transaction. [Rollins: para. 0167] In one example, proxying of transactions is discontinued so that the user interacts directly with a merchant. In another example, the problematic merchant may be removed from the list of merchants for whom transactions are to be proxied. [Rollins: para. 0168] Consequently, Rollins fails to teach “on a predetermined schedule, checking the merchant web page to determine whether any change has occurred rendering the proxy platform at least partially invalid” and “if so, re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state.” Claims 70 and 79 are therefore patentably distinguished over Rollins.

Claims 84-86

Considering claim 84 on its own, Rollins fails to teach the following combination:

A method to facilitate user interaction with merchant web sites, the method comprising operations of:

independent of user interaction with merchant web sites, performing operations comprising:

constructing a proxy platform corresponding to multiple merchant web sites by performing operations comprising: (1) planning a modified presentation of each merchant web site including one or more changes to functionality of the merchant web site, (2) pre-configuring rules to fill-in purchase checkout forms of each merchant web site with data from users' cyber wallets accessible to the proxy platform;

maintaining the proxy platform by performing operations comprising: (1) on a repeating schedule, reviewing the merchant web pages to determine whether any changes have occurred rendering the proxy platform at least partially invalid, (2) if so, repeating the constructing operation for the merchant web site upon which the changes have occurred;

receiving users' requests to view merchant web sites;

for each request, determining whether a proxy platform corresponding to the requested merchant web site has been constructed, and only if so, responding to the request by performing operations comprising:

utilizing the requested web site's proxy platform as an overlay to provide the

requesting user with the modified presentation instead of the requested web site;

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from said user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the pre-configured rules to complete the initiated purchase transaction.

Claim 84 is patentably distinguished from Rollins for reasons similar to many of those addressed above in conjunction with claim 1. Moreover, claim 84 is patentable for additional reasons, and the following are some examples.

First, Rollins does not show “independent of user interaction with merchant web sites...pre-configuring rules to fill-in purchase checkout forms of each merchant web site with data from users' cyber wallets accessible to the proxy platform.” Rollins does not pre-configure any rules to fill-in purchase checkout forms. Rather, Rollins' internet order mechanism is said to transform content of web pages “in a dynamic fashion such that the transformations are made in response to requests for the web pages.” [Rollins: para. 0057]

Second, Rollins does not teach “maintaining the proxy platform by performing operations comprising: (1) on a repeating schedule, reviewing the merchant web pages to determine whether any changes have occurred rendering the proxy platform at least partially invalid, (2) if so, repeating the constructing operation for the merchant web site upon which the changes have occurred.” In contrast, if Rollins' shopping application

discovers that they are no longer able to pre-fill the order forms for a particular merchant, then this may warrant discontinuing facilitating a transaction. [Rollins: para. 0167] In one example, proxying of transactions is discontinued so that the user interacts directly with a merchant. In another example, the problematic merchant may be removed from the list of merchants for whom transactions are to be proxied.

[Rollins: para. 0168]

Third, Rollins does not teach “for each request [of a user to view merchant web sites]... determining whether a proxy platform corresponding to the requested merchant web site has been constructed, and only if so, responding to the request...” Rollins simply does not make this determination. With Rollins, after a customer requests to place an order with a merchant by interacting with a shopping application or portal web page on web browser, this causes a request to be sent to Rollins’ internet order mechanism. [Rollins: para. 0137] When Rollins’ internet order mechanism receives the order request from the customer, it requests information for the customer from wallet server 714. [Rollins: para. 0138] There is no act of determining whether a proxy platform corresponding to the requested merchant web site has been constructed, and only if so, responding to the request, as claimed.

Fourth, Rollins does not teach “responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from said user’s cyber wallet and entering said retrieved information upon the requested web site in accordance with the pre-configured rules to complete the initiated purchase transaction.” Rollins does not retrieve personal data from the user’s cyber wallet at all. Instead, Rollins redirects the user’s request for merchant web page

to a wallet server, whereupon the client interacts with a wallet login page. The client only returns to the merchant web page after selecting an exit object. [Rollins: para. 123-131; FIG. 8, ref. 806-822] Therefore, Rollins' internet order mechanism does not retrieve personal data, and furthermore, no such operation is performed automatically.

For the foregoing reasons, claim 84 is patentably distinguished from Rollins. And, even without considering any individual merits of dependent claims 85-86, these claims are distinguished from Rollins because they depend from independent claim 84, which is distinguished as discussed above.⁴ Nonetheless, certain features of these dependent claims are noted to further distinguish over the applied art.

Taking claims 85 as an example, Rollins does not show the proxy platform being operated by an online services provider having various subscribers, where services of the proxy platform are rendered exclusively to said subscribers. The office action suggests Rollins' paragraphs 0030-0033 as teaching this feature. [Office Action: page 4] However, a thorough reading of the cited passages does not reveal any discussion of an online services provider, and further lacks actions of rendering services exclusively to subscribers. Furthermore, Rollins disclosure states that a customer's request (to place an order with a merchant) causes a request to be sent to the proxy server; then, the internet order mechanism responds by requesting information from a wallet server. [Rollins: para. 0137-0138] Rollins' internet order mechanism proceeds without regard for whether the customer is a subscriber or not. In any case, the rejection of claim 85 is untenable.

⁴ Cf. If an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

Claim 86 is also patentably distinguished over Rollins for the same reasons applicable to claim 85. Moreover, claim 86 is additionally patentable because Rollins does not teach “in addition to operating the proxy platform, the online services provider operating the cyber wallets.” The office action suggests Rollins’ paragraphs 0030-0033 as teaching this feature. [Office Action: page 5] However, a thorough reading of the cited passages does not reveal any discussion of an online services provider, and further lacks actions of rendering services exclusively to subscribers. Moreover, Rollins’ disclosure is limited to a third party wallet server. [Rollins: Figures 7A-7C] Rollins’ user interacts directly with the wallet server, or Rollins’ internet order mechanism proxies communications with the wallet server. [Rollins: para. 00122-0136] However, Rollins wallet server and internet order mechanism are distinct, and in no case does Rollins disclose, for example, that Rollins’ internet order mechanism operates the wallet server. If anything, Rollins teaches away from the claimed feature because Rollins explicitly avoids the need to store wallet information on the proxy server. [Rollins: para. 0147] Accordingly, Rollins does not show “in addition to operating the proxy platform, the online services provider operating the cyber wallets.” Claim 86 is patentably distinguished over Rollins.

Subparagraph (iv) -- 35 USC 103 REJECTIONS

No grounds of rejection exist under this subparagraph.

Subparagraph (v) -- OTHER GROUNDS OF REJECTION

There are no other grounds of rejection.

CONCLUSION

For the foregoing reasons, the claims in the present application are clearly and patentably distinguished over the cited references. Accordingly, the Examiner should be reversed and ordered to pass the case to issue.

If any fees are required by this submission, an appropriate fee submittal sheet is enclosed herewith. If fees are required yet this sheet is inadvertently missing, or the fees are incorrect in amount, please charge the charge the required fees (or credit any overpayment) to Deposit Account No. 07-1445.

Respectfully submitted,



Michael Glenn
Reg. No. 30,176
USPTO Customer 22,862

CLAIMS APPENDIX

65. A method to facilitate user interaction with merchant web sites, the method comprising operations of:

independent of user interaction with merchant web sites, pre-preparing a proxy platform corresponding to participating merchant web sites by performing operations comprising:

planning a modified presentation of each participating merchant web site

including one or more changes to functionality of the web site;

generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to the proxy platform;

responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists, performing operations comprising:

utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation instead of the requested web site;

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction.

66. The method of claim 65, the utilizing operation further comprising:

redirecting user requests to a proxy platform web site instead of the requested web site.

67. The method of claim 65, wherein the rules include mapping items of data from the users' cyber wallets to corresponding fields in the merchants' purchase checkout forms.

68. The method of claim 65, wherein each cyber wallet includes data pertaining to a user and including at least finance data and shipping data.

69. The method of claim 65, where:
the modified presentation includes a quick checkout button;
the operation responsive to user initiation of a purchase transaction upon the requested web site is responsive to user activation of the quick checkout button.

70. The method of claim 65, the operations further comprising:
on a predetermined schedule, checking the merchant web page to determine whether any change has occurred rendering the proxy platform at least partially invalid;
if so, performing operations including re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state.

71. The method of claim 65, where:

the operation of preparing the proxy platform comprises preparing a different merchant profile for each of multiple merchant web sites, where each merchant profile includes the modified presentation and rules applicable to that merchant;

the utilizing operation comprises utilizing the proxy platform, according to the merchant profile corresponding to the requested web site, as an overlay to provide the user with the modified presentation instead of the requested web site.

72. The method of claim 65, where the rules include:

proxy rules applicable to data transmitted from the merchant web site to the user;

reqproxy rules applicable to data transmitted by the user to the merchant web site.

73. The method of claim 65, where the cyber wallets comprise one or more predetermined data storage sites.

74. A system to facilitate user interaction with merchant web sites, comprising:

a merchant profile corresponding to participating merchant web sites, pre-

prepared independent of user interaction with merchant web sites, the merchant profile comprising:

a modified presentation of each participating merchant web site including one or more changes to functionality of the web site;

rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to a proxy

platform;

a proxy platform programmed to perform operations responsive to a user's request to view a merchant web site for which a corresponding pre-prepared merchant profile exists, the operations comprising:

utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation instead of the requested web site;

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction.

75. The system of claim 74, the proxy platform programmed such that the utilizing operation further comprises:

redirecting user requests to a proxy platform web site instead of the requested web site.

76. The system of claim 74, wherein the rules include mapping items of data from the users' cyber wallets to corresponding fields in the merchants' purchase checkout forms.

77. The system of claim 74, further comprising the cyber wallets, wherein each cyber wallet includes data pertaining to a user and including at least finance data and shipping data.

78. The system of claim 74, where:

the modified presentation includes a quick checkout button;

the proxy platform is programmed such that user initiation of a purchase transaction upon the requested web site comprises user activation of the quick checkout button.

79. The system of claim 74, further comprising an autotester programmed to perform operations comprising:

on a predetermined schedule, checking the merchant web page to determine whether any change has occurred rendering the proxy platform at least partially invalid;

if so, performing operations including re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state.

80. The system of claim 74, where:

the system includes multiple merchant profiles, each pertaining to a different merchant web site;

the proxy platform is programmed such that the utilizing operation comprises utilizing the proxy platform, according to the merchant profile corresponding to the requested web site, as an overlay to provide the user with the modified

presentation instead of the requested web site.

81. The system of claim 74, where the rules include:

proxy rules applicable to data transmitted from the merchant web site to the user;

reqproxy rules applicable to data transmitted by the user to the merchant web site.

82. The system of claim 74, further comprising the cyber wallets, where the cyber wallets comprise one or more predetermined data storage sites.

83. A system to facilitate user interaction with merchant web sites, comprising:

merchant profile means corresponding to participating merchant web sites, pre-

prepared independent of user interaction with merchant web sites, the

merchant profile means comprising:

means for modified presentation of each participating merchant web site

including one or more changes to functionality of the web site;

rules means for filling-in purchase checkout forms of each participating

merchant web site with data from users' cyber wallets accessible to

a proxy platform;

proxy platform means for performing operations responsive to a user's request to

view a merchant web site for which a corresponding pre-prepared

merchant profile exists, comprising:

means for utilizing the requested web site's proxy platform as an overlay

to provide the user with the modified presentation instead of the

requested web site;

means responsive to user initiation of a purchase transaction upon the requested web site for automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction.

84. A method to facilitate user interaction with merchant web sites, the method comprising operations of:

independent of user interaction with merchant web sites, performing operations comprising:

constructing a proxy platform corresponding to multiple merchant web sites by performing operations comprising: (1) planning a modified presentation of each merchant web site including one or more changes to functionality of the merchant web site, (2) pre-configuring rules to fill-in purchase checkout forms of each merchant web site with data from users' cyber wallets accessible to the proxy platform;

maintaining the proxy platform by performing operations comprising: (1) on a repeating schedule, reviewing the merchant web pages to determine whether any changes have occurred rendering the proxy platform at least partially invalid, (2) if so, repeating the constructing operation for the merchant web site upon which the changes have occurred;

receiving users' requests to view merchant web sites;

for each request, determining whether a proxy platform corresponding to the

requested merchant web site has been constructed, and only if so,
responding to the request by performing operations comprising:
utilizing the requested web site's proxy platform as an overlay to provide
the requesting user with the modified presentation instead of the
requested web site;
responsive to user initiation of a purchase transaction upon the requested
web site, the proxy platform automatically retrieving personal data
from said user's cyber wallet and entering said retrieved
information upon the requested web site in accordance with the
pre-configured rules to complete the initiated purchase transaction.

85. The method of claim 84, where the proxy platform is operated by an online services provider having various subscribers, and the operations further comprise the Internet services provider rendering services of the proxy platform exclusively to said subscribers.

86. The method of claim 84, where the proxy platform is operated by an online services provider having various subscribers, and the operations further comprise:
in addition to operating the proxy platform, the online services provider operating the cyber wallets.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None



APPENDIX A

Applicant's Figures



1/4

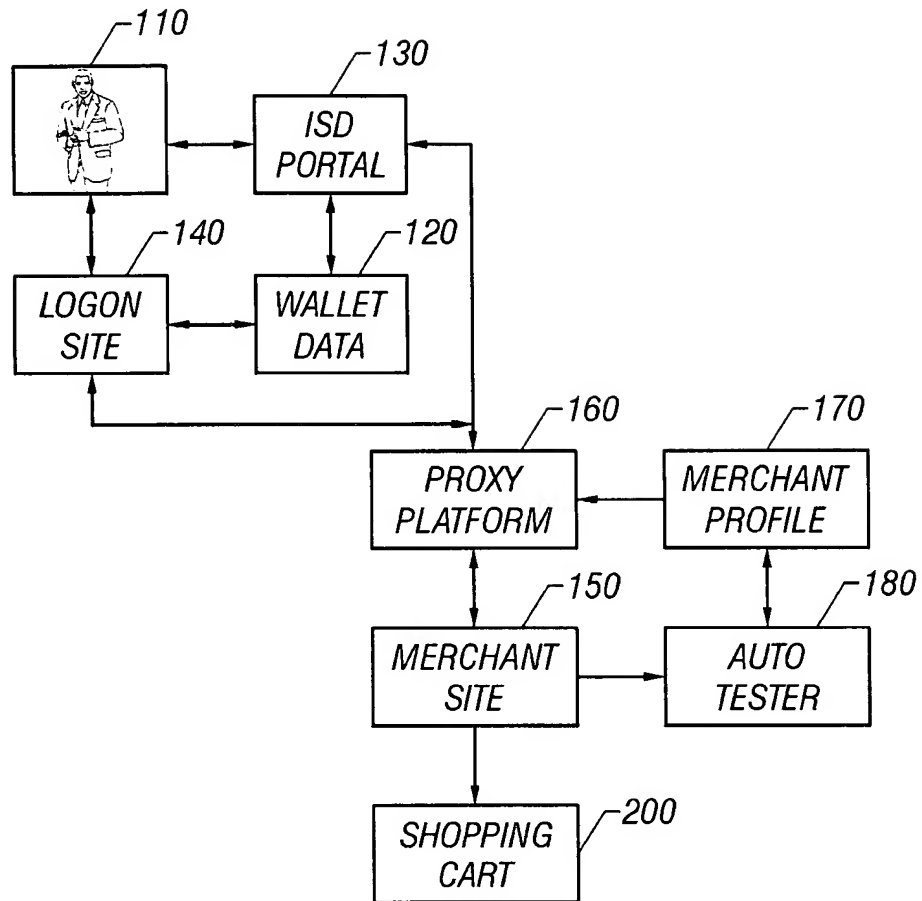


FIG. 1



2/4

210

211

SHOPPING CART

212 QTY	PRODUCT	PRICE
1	S3 VIDEO CARD	\$19.95

213

215

214

CONTINUE SHOPPING

CHECKOUT

FIG. 2A

220

SHIPPING

221

222 NAME

223 STREET

224 CITY

STATE

225

NEXT

FIG. 2B

230

BILLING

231

232 NAME

233 STREET

234 CITY

235 STATE

236 CARD

237 NUMBER

EXP. DATE

238

NEXT

FIG. 2C

240

241

ARE YOU SURE?

243

TOTAL: \$21.41

242

COMPLETE ORDER

FIG. 2D

3/4

QTY	PRODUCT	PRICE
1	S3 VIDEO CARD	\$19.95

CONTINUE SHOPPING (215) CHECKOUT (214) QC (316)

FIG. 3A

NAME (221) JOHN SMITH (321)
 STREET (222) 123 MAIN ST. (322)
 CITY (223) BIG TOWN (323)
 STATE (224) CA (324)

NEXT (225)

FIG. 3B

NAME (231) JOHN SMITH (331)
 STREET (232) 123 MAIN ST. (332)
 CITY (233) BIG TOWN (333)
 STATE (234) CA (334)
 CARD (235) DISCOVER (335)
 NUMBER (236) 123456 (336)
 EXP. DATE (237) 03 (337) 01 (337)

NEXT (238)

FIG. 3C

ARE YOU SURE? (241)

TOTAL: \$21.41 (243)

COMPLETE ORDER (242)

FIG. 3D



4/4

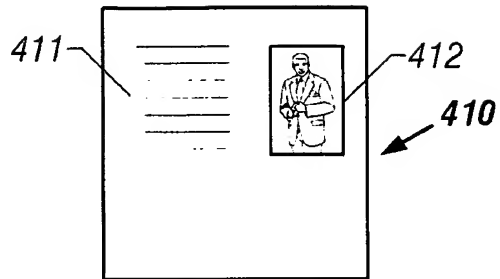


FIG. 4A

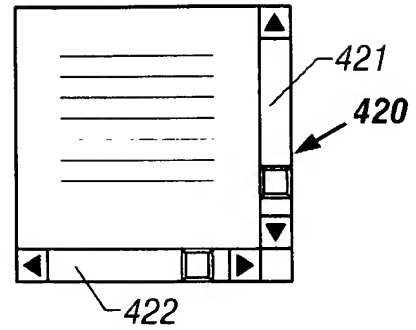


FIG. 4B

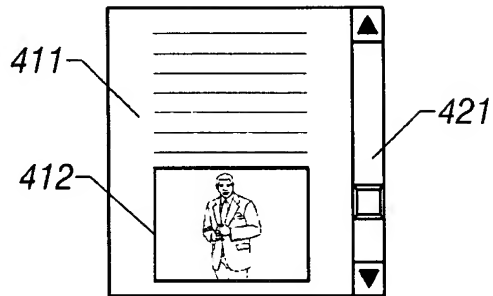


FIG. 4C

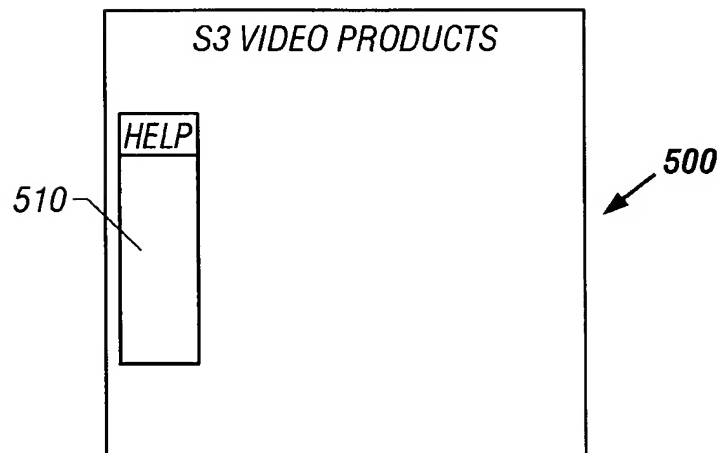


FIG. 5



APPENDIX B

Final Office Action



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/017,662

12/14/2001

Rory Ward

NETS0084

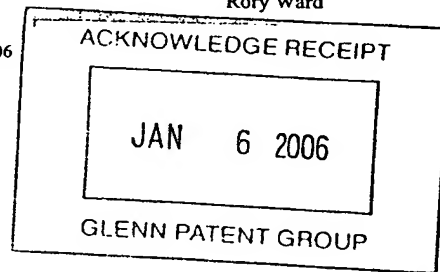
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01/03/2006

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025



EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

U.S.: ✓ GPG FOREIGN: _____
DOCKETED: 1/9/06 BY: [Signature]
ACTION: Final Rejection
DUE DATE: 2mo 3-3-06 3mo 4-3-06
EXT: 1ST 5/3 2ND 6/3 3RD 7/3/06
DOCKET# NETS0084 ATTY: Dan +



Office Action Summary

Application No.

10/017,662

Applicant(s)

WARD, RORY

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 10/05/2005.

This action is made final.

Claims 65-86 are pending in this application. In the Amendment, claims 65, 70, 74, 79, and 83 were amended, and claims 84-86 were added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 65-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Rollins et al.

("Rollins" Pub. No. : US 2002/0103721.

Per claim 65, Rollins teaches a method to facilitate user interaction with merchant web sites, the method comprising operations of:

Independent of user interaction with merchant web sites, pre-preparing a proxy platform corresponding to participating merchant web sites by, performing operations comprising:

planning a modified presentation of each participating merchant web site including one or changes to functionality of the web site ([0056]);

generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to the proxy platform ([0045], [0122]) ;

responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists, performing operations comprising:

utilizing the requested web site's proxy platform as an overlay to provide the user with the modified presentation instead of the requested web site ([0056]);

responsive to user initiation of a purchase transaction upon the requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules to complete the initiated purchase transaction ([0045]; [0114]; [0137]).

Per claim 66, Rollins teaches the method of claim 65, the utilizing operation further comprising: redirecting user requests to a proxy platform web site instead of the requested web site (fig. 7A and 7B; [0061]).

Per claim 67, Rollins teaches the method of claim 65, wherein the rules include mapping items of data from the users' cyber wallets to corresponding fields in the merchants' purchase checkout forms ([0162]).

Per claim 68, Rollins teaches the method of claim 65, wherein each cyber wallet includes data pertaining to a user and including at least finance data and shipping data ([0162]).

Per claim 69, Rollins teaches the method of claim 65, where: the modified presentation includes a quick checkout button, the operation responsive to user initiation of a purchase transaction upon the requested web site is responsive to user activation of the quick checkout button ([0162]).

Per claim 70, Rollins teaches the method of claim 65, the operations further comprising: on a predetermined schedule, checking the merchant web page to determine whether any change

has occurred rendering the proxy platform at least partially invalid ([0132]; [0167]), if so, performing operations including re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state ([0166]).

Per claim 71, Rollins teaches the method of claim 65, where: the operation of preparing the proxy platform comprises preparing a different merchant profile for each of multiple merchant web sites, where each merchant profile includes the modified presentation and rules applicable to that merchant, the utilizing operation comprises utilizing the proxy platform, according to the merchant profile corresponding to the requested web site, as an overlay to provide the user with the modified presentation instead of the requested web site (figs. 7A and 7B; [0171]; [0061]).

Per claim 72, Rollins teaches the method of claim 65, where the rules Include: oxy rules applicable to data transmitted from the merchant web site to the user, req-proxy rules applicable to data transmitted by the user to the merchant web site ((figs. 7A and 7B; [0171]; [0061]).

Per claim 73, Rollins teaches the method of claim 65, where the cyber wallets comprise one or more predetermined data storage sites (fig. 7A and 7B; database 722).

Claims 74-82 are rejected under the same rationale as claims 65-73 respectively.

Claim 83 is rejected under the same rationale as claim 74.

Claim 84 is rejected under the same rationale as the combination of claims 65 and 70.

Per claim 85, Rollins teaches the method of claim 84, where the proxy platform is operated by an online services provider having various subscribers, and the operations further comprise the internet services provider rendering services of the proxy platform exclusively to said subscribers. (paragraphs 0030-0033)

Per claim 86, Rollins teaches the method of claim 84, where the proxy platform is operated by an online services provider having various subscribers, and the operations further comprise:

In addition to operating the proxy platform, the online services provider operating the cyber wallets. (paragraphs 0030-0033)

Response to Argument

In the remarks, applicant has argued in substance that:

1) Rollins fails to teach the operations performed by the proxy platform are independent of user interaction with merchant websites.

2) Rollins fails to teach automatically retrieving personal data from user's cyber wallet"

Examiner respectfully disagrees with applicant's arguments and resubmits that

1) The proxy platform in Rollins, IOM, operates independently from user interaction with merchant websites because IOM is a third party web site that is separate from the merchant websites. (paragraph 0063) Furthermore, operations performed by IOM, such as pre-filling an order form, protecting customer information, adaptive single-click transactions... are also independent of the merchant websites. (paragraphs 0137, 0145, 0162) These operations are performed using information and methods stored within the IOM. (paragraphs 0137, 0145, 0162)

2) During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the claim recites, “automatically retrieving personal data from the user’s cyber wallet.” Rollins teaches this limitation because IOM “automatically populates or pre-fills” the order page with customer information received from wallet server. (paragraph 0142)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

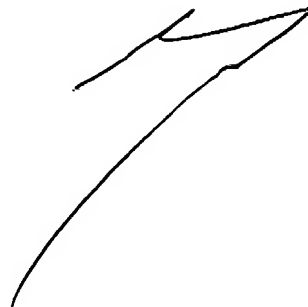
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanh T. Vu

A handwritten signature in black ink, consisting of a stylized 'T' followed by a long, sweeping diagonal stroke.